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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Mool Choo Chuah, Appellant

Serial No.: 09/764,510

Confirmation No.: 6393

Filed: January 18, 2001

For: UNIVERSAL MOBILE  
TELECOMMUNICATIONS  
SYSTEM (UMTS) QUALITY OF  
SERVICE (QoS) SUPPORTING  
VARIABLE QoS NEGOTIATION

§ Case No.: Chuah 54  
(LCNT/123739)  
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§ Group Art Unit: 2616  
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§ Examiner: Nguyen, Hanh N.  
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Date

*Laurel Crater*  
LAUREL CRATER

Dear Sir or Madam:

REPLY BRIEF

Appellant submits this Reply Brief to the Board of Patent Appeals and Interferences in response to a First Examiner's Answer, dated May 24, 2007, and a Second Examiner's Answer, dated July 16, 2007, in the Appeal of the above-identified application.

The Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 20-0782/LCNT/123739.

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### REMARKS

The Examiner has provided two Examiner's Answers, the first one dated May 24, 2007 and the second one dated July 16, 2007. Appellant respectfully notes that the only apparent difference between the two Examiner's Answers is in Section 8 (Evidence Relied Upon) of the two Examiner's Answers. More specifically, it appears that, in the Examiner's First Answer, dated May 24, 2007, the Examiner inadvertently failed to list the evidence relied upon by the Examiner in the rejection of the claims under Appeal. In the Examiner's Second Answer, dated July 16, 2007, the Examiner has modified Section 8 (Evidence Relied Upon) to indicate that the Examiner is relying on the Kannas and Rinne references in rejecting the claims under Appeal.

In Section 10 (Response to Arguments) of the Examiner's First Answer, dated May 24, 2007, and the Examiner's Second Answer, dated July 16, 2007, the Examiner attempts to provide additional reasoning to support his decision of obviousness with respect to the claims on appeal. Despite the Examiner's Answers, Appellant still maintains that the rejections of claims 1-3, 5-9, and 14-17 as being unpatentable under 35 U.S.C. §103(a) are improper. Since the Response to Arguments sections of the two Examiner's Answers appear to be identical, Appellant herein addresses the Response to Arguments sections of the two Examiner's Answers by way of reference only to the Examiner's First Answer, dated May 24, 2007.

The Examiner asserts that the claimed QOS information element is not functionally described in claims 1, 6, 14, 15, and 16. The Examiner then concludes that "...the traffic class field is considered as a generic traffic class field supporting traffic classes in priority order." (Examiner's First Answer, Pg. 5). Appellant respectfully submits that the QOS information element is functionally described in the claims. Specifically, Appellant's claim 1 includes limitations indicating that, during negotiation of a variable quality of service between a mobile station and a wireless data network, the mobile station issues a request for preferred ones of traffic classes in a priority order, where the request includes a quality of service information element having at least one traffic class field for conveying the request for preferred ones of traffic classes in the priority order. In other words, Appellant's claim 1 clearly describes that the QoS information element conveys the request for preferred ones of traffic classes. Similarly,

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Appellant's claims 6, 14, 15, and 16 include similar limitations. Therefore, Appellant respectfully submits that the QoS information element is functionally described. Further, Appellant notes that the traffic class-protocol field of Rinne is merely a range of values used to prioritize transmission of IP packets, received from an IP network, over a Radio Access Network (RAN), and, thus, does not teach or suggest the QoS information element of Appellant's claims.

The Examiner states that Appellant argues that Rinne merely teaches classifying packets received from an IP network into QoS classes and associated subclasses. The Examiner then states that the "Examiner believes classifying packets received from [an] IP Network into different classes is not shown in the claims." (Examiner's First Answer, Pg. 6). Appellant respectfully submits that the Examiner is confusing Appellant's arguments with Appellant's claims. Appellant, in stating that Rinne teaches classifying packets received from an IP network into different QoS classes and associated subclasses, is clearly describing the teachings of Rinne in order to explain the differences between the teachings of Rinne and the limitations of Appellant's claims. Namely, Rinne teaches use of a traffic class-protocol field for classifying IP packets arriving from an IP network according to different QoS classes. The packets are classified for scheduling transmission of the packets over a RAN. (Rinne, Col. 7, Line 57 – Col. 8, Line 35). By contrast, Appellant's claims are directed toward negotiating a variable quality of service where, during the negotiation, the mobile station issues a request for preferred ones of traffic classes in a priority order, wherein the request includes a QoS information element having at least one traffic class field for conveying request for preferred ones of traffic classes in the priority order. Thus, Appellant maintains that Kannas and Rinne, alone or in combination, fail to teach or suggest Appellant's invention. Furthermore, Appellant submits that there is simply no reason for any statement about the teachings of the Rinne reference to be included in Appellant's claims.

The Examiner states, in reference to Rinne, that "as shown by applicant, the traffic class value is shown in the packet." (Examiner's First Answer, Pg. 7). Appellant respectfully notes that even assuming that Rinne does teach inclusion of a traffic class value in a packet, inclusion of a traffic class value in a data packet for classifying that

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packet for transmission scheduling purposes does not teach or suggest a QoS information element having at least one traffic class field for conveying request for preferred ones of traffic classes in the priority order. Rather, as taught in Rinne, IP packets that are received from an IP network are classified using a range of traffic class indicator values. Specifically, Rinne states that "QoS Subclass (i,j), e.g., (2,18) is typically QoS Class 2, with traffic class value 18. However, when packets appear with QoS Class 2 with traffic class value 15, it will get higher scheduling privileges in the Radio Interface Layer 2." (Rinne, Col. 8, Lines 20-24, Emphasis added). Thus, Appellant maintains that any traffic class value included in a packet of Rinne is merely used to schedule transmission of that packet over the RAN.

The Examiner asserts that "...it is inherent that a Qos request in a wireless network should be followed with a response transmitted from wireless network to mobile stations indicating whether the QOS request is allocated. Rinne's packet transmission is a part of [the] packet transmissions shown in Kannas et al. because the QOS request sent by the mobile terminal 10 to packet switch network 6 is followed with the allocation of network Qos resource." (Examiner's First Answer, Pg. 7). Appellant notes that the packet transmission of Rinne has nothing to do with a request for QoS received from a mobile terminal. Rather, the packet transmission of Rinne is transmission of IP packets from an IP network to a mobile terminal where packets arriving at the RAN from the IP network are classified for transmission scheduling purposes. Thus, Appellant maintains that the packet transmission of Rinne has nothing to do with Appellant's claims or the teachings of Kannas.

It is respectfully submitted that the Examiner's other arguments are addressed by Appellant's Appeal Brief.

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### CONCLUSION

Appellant respectfully requests that the Board reverse the rejections and pass the claims to allowance.

Respectfully submitted,



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